



district where petitioner is in custody, or the district where he was convicted and sentenced, both of which are in California.

There is no basis for petitioner to maintain a habeas action in this District, because he was not convicted and sentenced by this Court, nor is he currently confined in this District. The case therefore will be dismissed without prejudice. See Magee v. Hatch, No. 07-2176, U.S. Dist. LEXIS 90145 at \*2 (dismissing habeas petition filed by a state prisoner in California seeking review of a conviction entered by a California state court). Accordingly, it is hereby

ORDERED that this civil action is DISMISSED WITHOUT PREJUDICE. This is a final appealable Order. See Fed. R. App. P. 4(a).

SO ORDERED.

/s/  
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PAUL L. FRIEDMAN  
United States District Judge

DATE: November 18, 2008